

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1 and 21-25 are amended

Claims 10-20 and 26-33 were previously canceled.

Claims 1-9 and 21-25 are being examined.

II. Objection to Claim 1

On page 4 of the Office Action, the Examiner indicated that the symbol “J” after O=S=O was unclear. Applicants have deleted the inadvertent parenthesis and request withdrawal of this objection.

III. Claims 1-9 Overcome Section 112 1st Paragraph Rejections

On page 4 of the Office Action, the Examiner rejects claims 1-9 as failing to comply with the written description requirement under 35 U.S.C §112 first paragraph, because the Examiner stated that the limitation “-N=CH-NR₅R₅, wherein R₅ is alkyl” was new matter. While applicants disagree with the Examiner’s rejection, applicants have amended claim 1 to remove that limitation because pending claim 1 and its dependent claims 2-9 do not include a compound that has the side chain being excluded. Therefore, there is no need to specifically exclude a side chain that is not covered by the scope of the present claims. See page 19, lines 20-24 and page 20, lines 25-30 of the specification. Therefore, even when this “-N=CH-NR₅R₅,” limitation is removed from present claim 1, Isakson (US 5756529) does not anticipate the pending claims.

Applicants request the Examiner to withdraw the section 112 new matter rejection and move the claims towards allowance.

IV. Claims 21, 23, and 25 are Novel Over Rehbein et al., (2002)

On page 3 of the Office Action, the Examiner rejects claims 21, 23, 25 as being anticipated by Rehbein under 35 U.S.C §102(b). Claims 21, 23, and 25 are amended.

The Examiner has mistaken claims 21, 23, and 25 to relate to composition claims when remarking:

As stated in the rejection, the limitation of the diseases to be treated in the claims is intended use and intended use in composition claims carries little weight.

Page 3, Office Action.

However, the present claims 21, 23, and 25 are method claims and disease limitations are relevant in determining claim scope. Therefore, claims 21, 23, and 25 are not anticipated by Rehbein. Nevertheless, in the interest of expedited prosecution, the claims are being amended to reflect that the compound being screened for is of low molecular weight.

Rehbein neither discloses nor suggests a method of screening for a compound useful for the treatment of a proliferative disease, an inflammatory disease or an encephalopathy, which includes use of MARTA1/KSRP or a fragment thereof. In addition, it is readily observed from the disclosure of the instant specification that the compound or the active ingredient of the pharmaceutical composition claimed herein and used belongs to the class of low molecular weight compounds and the test compounds in claims 21, 23 or 25 do not include an antibody against MARTA1/KSRP. In other words, Rehbein does not teach or suggest the methods of claims 21, 23, or 25.

Applicants request the Examiner to withdraw the section 102(b) rejection over Rehbein et al. and move the claims towards allowance.

V. Claims 21-25 are Novel Over Min et al., (1997)

On page 3 of the Office Action, the Examiner rejects claims 21-25 as being anticipated by Min et al., under 35 U.S.C §102(b). Claims 21-25 are amended.

As stated in Section IV above, the Examiner has mistaken claims 21-25 to relate to composition claims and remarked that the intended use limitations carry no weight.

However, the present claims 21-25 are method claims and disease limitations are relevant in determining claim scope. Therefore, claims 21-25 are not anticipated by Min. Nevertheless, in the interest of expedited prosecution, the claims are being amended to reflect that the compound being screened for is of low molecular weight.

Min neither discloses nor suggests a method of screening for a compound useful for the treatment of a proliferative disease, an inflammatory disease or an encephalopathy, which includes use of MARTA1/KSRP or a fragment thereof. In addition, it is readily observed from the disclosure of the instant specification that the compound or the active ingredient of the pharmaceutical composition claimed herein and used belongs to the class of low molecular weight compounds and the test compound in claims 21-25 does not include an antibody against MARTA1/KSRP. In other words, Min does not teach or suggest the methods of claims 21-25.

Applicants request the Examiner to withdraw the section 102(b) rejection over Min et al. and move the claims towards allowance.

Summary

No other fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (43512-104182).

Respectfully submitted,

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